

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0548

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

RICHARD KNOX,

Defendant and Appellant.

FILED

MAR 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until July 6, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 29th day of March, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Eileen A Larkin*
EILEEN A. LARKIN
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Eileen A. Larkin, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.
2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.
3. The Appellant's brief was first due on January 4, 2010. The brief is presently due on April 5, 2010.
4. I have reviewed the record and researched the issues. I have determined that this Court's pending decision in *State v. Haagen**son*, DA 09-0471 is relevant to the issue in this matter and will inform both my approach to this appeal and my client's decision regarding his course of action.
5. I therefore respectfully request a 90-day extension of time in which to await the *Haagen**son* decision and discuss it with my client.
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Eileen A. Larkin

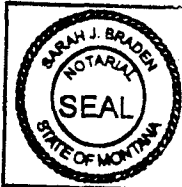
Eileen A. Larkin

SUBSCRIBED AND SWORN to before me this 29th day of March,

2010.

Sarah J. Braden

Sarah J. Braden



SARAH J. BRADEN
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
January 25, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ED CORRIGAN
Flathead County Attorney
Justice Center
P.O. Box 1516
Kalispell, MT 59903-1516

RICHARD KNOX 45591
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

3/29/10

A handwritten signature in black ink, appearing to be "Ed Corrigan", written over a horizontal line.